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July 27, 2006

Hon. Philip N. Hogen, Chairman
National Indian Gaming Commission
1441 L Street, NW
Washington, DC 20005

Re: Proposed Classification Standards; Class II Gaming; Bingo, Lotto,
et al.

Dear Chairman Hogen:

The purpose of this letter is twofold. First to again express the appreciation of the Bishop Paiute Tribe in setting aside time to personally receive comments on the above proposed Class II Regulations. Second, as you may or may not recall at the hearing on July 26, 2006 at the Doubletree Hotel in Ontario, California a request was made by your staff to provide the Commission with specific comments concerning the proposed regulations.

Enclosed you will find a 13 page list of comments on the proposed Class II Regulations that had previously been provided to the Commission by way of the California Nations Indian Gaming Association.

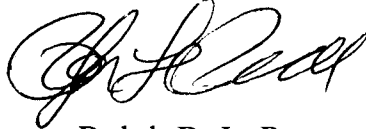
The Bishop Paiute Tribe though its Gaming Commission, Gaming Corporation and Casino staff have reviewed and participated in the formulation of the enclosed comments. It would appear to serve no practical purpose to restate these comments in a separate document. Therefore, we would simply make reference to the CNIGA comments and incorporate them into and as part of the

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comments directly made by the Bishop Paiute Tribe through its Gaming Commission, Gaming Corporation and Casino staff.

As usual, if you have any further questions or comments please do not hesitate to contact either me and/or the Gaming Commission through Mervin Hess and/or the Gaming Corporation (Casino) through Gloriana Bailey, General Manager.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. LePera', with a stylized, cursive script.

Ralph R. LePera

CC: Mr. Mervin E. Hess, Gaming Commission Chairman/Director
Gloriana Bailey, General Manager Paiute Palace Casino
Encl.



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Hon. Philip N. Hogen, Chairman
National Indian Gaming Commission
1441 L Street, NW
Washington, DC 20005

Re: Comments on Draft Class II Technical and Classification Standards

Dear Chairman Hogen, Vice Chair Westrin, and Commissioner Choney:

Thank you for the opportunity to provide comments on the National Indian Gaming Commission's (NIGC) third draft of its "Classification Standards for Electronic, Computer or Other Technological Aids Used in Connection with Class II Gaming," and the first draft of its "Class II Technical Standards". In short, the California Nations Indian Gaming Association (CNIGA) is concerned with the NIGC's current direction and hopes that it will reconsider both the content of this regulation and the speed at which it is proceeding.

CNIGA is located in Sacramento California and is a 501 c (6) non-profit organization comprised of 64 federally recognized tribal governments. CNIGA is dedicated to the purpose of protecting the sovereign right of Indian tribes to have gaming on federally recognized Indian lands. It acts as a planning and coordinating agency for legislative, policy, legal and communications efforts on behalf of its members and serves as an industry forum for information and resources.

Gaming has become an important source of revenue for our Tribes, and it is becoming increasingly clear that this rulemaking threatens our longevity. Since the enactment of the Indian Gaming Regulatory Act (IGRA), federal courts have addressed and clarified the distinctions between class II technologic aids and class III electromechanical facsimiles; clarifications that are reflected in the NIGC's definition regulation promulgated in 2002. The 2002 rulemaking brought greater clarity to class II gaming. Tribes, manufacturers, and others in the industry, have made substantial

investments in reliance upon these earlier actions, investments that are now threatened by the uncertainty surrounding the current rulemaking.

Congress intended that tribes have “maximum flexibility” to utilize class II gaming for the purposes of economic development. Congress was also aware that technology would grow and intended that Indian gaming be permitted to grow and evolve with it. It is our belief that the NIGC’s current rulemaking conflicts with this intent, and that if left unchecked, threatens the stability of *all* Indian gaming. Outlined below are some of our larger concerns with the rulemaking.

Lack of Meaningful Tribal Consultation

As an initial matter, CNIGA is greatly concerned with the manner in which this regulation is being developed. Notwithstanding the fact that the NIGC has assembled a tribal advisory committee to participate in this process, their input has been limited at best. We note in particular that the current process differs significantly from the NIGC’s past interaction with tribal advisory committees, where tribal representatives were active participants not only in providing advice, but also in the drafting process itself. Here, however, little if any of the committee’s input has been incorporated into the regulation.

We also find it troubling that the advisory committee meetings held thus far have focused on *legal* rather than technical standards. Given the technical expertise of the individuals selected to serve on the committee, it seems that their input would have been better suited to the development of technical standards as opposed to debating the law with the NIGC’s lawyers.

Finally, while advisory committees bring great value to the rulemaking process, they are no substitute for consultation with Tribal leaders. We are surprised by the NIGC’s expectation that the tribal representatives to the Committee “consult” with tribes in their region as to the impact of this rulemaking. This is not the responsibility of tribal representatives; it is the responsibility of the NIGC. To correct these problems, clarify the scope of the NIGC’s current direction, and bring its actions into conformance with its own consultation policy, a series of regional and national tribal consultation meetings must be held before the NIGC moves forward.

Current Rulemaking Redefines Class II Gaming

We are particularly alarmed that the majority of the Classification Standards focus on the *legal* aspects of class II gaming. Instead of addressing integrity issues, this current rulemaking calls into question ten years of case law won largely by tribes, and effectively redefines “bingo” and other class II games. In fact, the latest draft would reclassify a number of games that the federal courts, tribal gaming commissions, and the NIGC itself have previously determined to be class II.

In enacting IGRA, Congress placed only three requirements on a game of bingo. Notably, the federal courts have held that these three requirements “constitute the sole *legal* requirements for a game to count as class II bingo.”¹ The NIGC’s attempt to impose additional requirements upon class II gaming prohibits its advancement and serves only to micromanage both the business judgment and regulatory responsibilities of tribes. These arbitrary requirements intrude upon the sovereign right of tribes to operate class II games in accordance with the law, but at the same time, tailor them to the demands of their own community and business environments. Some of the most troubling provisions are outlined below.

- Prizes. IGRA specifies only that a game of bingo must be played for prizes. The NIGC should avoid placing restrictions on either the amount or type of prizes that can be offered in a game. Features such as these are marketing decisions beyond the scope of IGRA. All such provisions should therefore be removed from the current draft.
- Bingo Cards. While IGRA requires that bingo be played with cards, the NIGC is now attempting to regulate all facets of a bingo card, including both its size and number of squares. Requiring that a bingo card contain 25 squares, and that each square measure 1 centimeter by 1 centimeter, has no legal support, and serves only to limit the “flexibility” that Congress so clearly intended. It also reverses existing NIGC guidance that allows cards with only four squares and that measure 2½ inches square. The NIGC should return to its existing standard that a bingo card must be “readily visible.”
- Timing of Card Selection. The latest draft also states that a player must not be able to obtain a new card once game play begins. Nor should a player be able to join a game in progress. These requirements are arbitrary as no such restrictions are imposed upon a game of paper bingo. Such restrictions lack support from either IGRA or the courts, and stand in direct conflict with long-established games such as Bonanza Bingo.
- Auto-Daub is Acceptable. IGRA expressly authorizes the use of technologic aids in the play of class II games. “Auto-daub” epitomizes an aid as it assists a player in covering the numbers on their card during the game’s natural progression. It is particularly relevant that the courts have held that the manner in which a player covers their card(s) is irrelevant, and that bingo card minders have been in use in bingo halls nationwide for many years. The NIGC’s attempt to prohibit this advancement in technology is without legal support. We also find offensive the NIGC’s attempt to prohibit bingo minders simply to enhance their argument against auto-daub.

¹ *United States v. 103 Electronic Gaming Devices*, 223 F.3d 1091, 1096, 1097 (9th Cir. 2000).

- *Bingo Ball Draw.* NIGC arguments that balls must be released to players “in close proximity” to the time at which they were generated, also lacks support under IGRA. Games such as Bonanza Bingo with so-called “pre-drawn balls,” predate IGRA and were not intended to be eliminated by its enactment. These provisions should be removed from the draft regulation.
- *Multiple Ball Releases.* While the NIGC has previously argued that a game of bingo cannot be won after only one release of balls, the current draft extends this requirement to the interim portions of a game of bingo. Doing so violates the holdings of the Ninth and Tenth Circuit Courts of Appeal in the *MegaMania* cases.
- *Different Interim Patterns are Permissible Within a Common Game.* Nothing prohibits players who are competing for the same *game-winning* pattern from competing for different *interim* patterns. As the courts have held, the proper focus of a game classification analysis is whether the game “as a whole” meets the three statutory requirements of bingo – not one of its constituent parts. To do otherwise is to add a limitation upon the game not envisioned by Congress.
- *House Banking.* Unlike traditional house banked games such as blackjack, in bingo and games similar to bingo, the house is not a participant in the game. At no time does the house have its own card, nor does it take on or compete against the game’s players. The NIGC should avoid interpreting “house banked” as something other than the way in which it is defined by its own definitions, and certainly should avoid applying a definition that conflicts with case law. Both the Ninth and Tenth Circuit Courts of Appeal have held that the fact that the house retains a percentage of the amount wagered does not make a game “house banked” as that term is defined by the NIGC. Instead of placing arbitrary restrictions upon the game of bingo or games similar to bingo, the NIGC should simply apply the definition as currently defined.
- *Broadening Participation.* Contrary to the latest draft, technologic aids are *not* uniformly required to broaden participation. As such, requirements such as those calling for a minimum of either six players in every game or a delay of two seconds between games should not be placed upon the game of bingo. Instead, the focus should be upon ensuring that a player cannot play alone against a machine, a standard that is satisfied simply by requiring the participation of two or more players.
- *Tangible Pull-Tabs are Not Required.* The current draft requires the use of “tangible,” or paper, pull-tabs when the game of pull-tabs is played with electronic equipment. The NIGC bases this requirement on a couple of early cases involving self-contained facsimiles of the game; cases that are now stale and of significantly diminished precedential value. Requiring a

tangible medium is not supported by either IGRA or recent court decisions, and should be removed from the regulation.

- *The Johnson Act Lacks Relevance in a Game Classification Analysis under IGRA.* The NIGC's 2002 rulemaking, supported by the decisions of three federal appeals courts, removed the Johnson Act from the classification of games under IGRA. As such, a game classification analysis should begin with determining whether the equipment is a technologic aid to a class II game, and if so, should end there. To then evaluate whether the equipment may also fall within the Johnson Act definition of a "gambling device" runs counter to judicial holdings. The NIGC should avoid any return to the notion that the Johnson Act should be included in a game classification analysis under IGRA.

Procedural Issues and Due Process Concerns

A major concern we have with the draft rule is that it fails to resolve the basic problems associated with the NIGC's existing game classification process. One such problem is that there is no procedure for appeal outside the enforcement context, a framework that avoids judicial oversight and violates fundamental principles of fairness and due process of law. As the primary regulators of Indian gaming, tribes should be able to challenge a game classification opinion on a government-to-government basis, without having to first subject itself to enforcement action.

Not only does the draft rule fail to address this problem, but it compounds it by shifting the classification process from tribal regulators and the NIGC, to private sector gaming laboratories. Nothing in IGRA suggests that testing laboratories should be placed in the position of interpreting IGRA. Instead, their role should be limited to ensuring the integrity of equipment and operating systems. The process set forth in the current draft not only deprives tribal regulators of their legitimate regulatory authority over Indian gaming, but relinquishes a critical federal responsibility to the private sector and interferes with the right of tribes to full due process of law.

Technical Standards Are Overly Burdensome

We are very concerned with the first draft of the NIGC's technical standards. Not only are they excessive, but they also seem unsuitable for the class II gaming industry. While we agree that protecting the integrity of Indian gaming is an important goal, handcuffing it in the process serves no one's interest.

As an initial matter, we respectfully request that the NIGC rethink this document in its entirety and limit its content to only those standards necessary to ensure the success of Indian gaming. Further, we believe that the NIGC should meet with the advisory committee to thoroughly discuss its provisions before moving forward. As noted earlier, we are troubled by the fact that the meetings thus far have focused on legal rather than technical standards. Indian country should be permitted

the benefit of the technical expertise held by those tribal representatives serving on the committee. We also request that these standards be issued as guidelines so that they may be tailored to the individual demands of our own community and business environments. Some of the most troubling provisions are outlined below.

- Section 2.1.4(8), Security for All Servers. This section provides that “software packages that are not essential to the operation of the server must not be loaded onto the server.” This provision would limit the ability of enhancing the functionality of servers by limiting software packages to those that are “essential” to the operation of the server. For example, many programs, such as the Notepad and Wordpad applications of Microsoft Windows, are not necessarily *essential*, but are *useful* in enhancing the abilities and functions of the server. We oppose placing such limitations upon class II games.
- Section 2.1.5(4), Server Application Requirements. This section requires that the server store significant events either on the server or to a casino monitoring system. Paragraph 4 of this section contains a list of events that are considered “significant,” one of which is referred to as “Client Cash Clearance.” This term should be clarified as it is unclear and ambiguous in this context.
- Section 2.1.5(9), Server Application Requirements. This section provides that the maximum number of machines enrolled at any one time can be no less than six (6). As discussed earlier, there is no support for requiring more than two (2) players within a common game, just as there is no support for an argument that two players is insufficient to “broaden participation.” A game is no less bingo if only two players are participating. This requirement should therefore be removed from the current draft.
- Section 2.2.2(3), Enable/Disable Requirements. This is the first of many sections referencing “auditable” alarms. Auditable alarms are not utilized in the North American gaming market. Instead, a combination of light tower flashing and the reporting of events to a system are standard technology. As such, all sections referencing auditable alarms should be modified to reflect the technology utilized throughout the North American industry.
- Section 2.4.1(1)(a), Changes to Games and Sets of Games. This section requires the bingo system to disable all client stations/bingo terminals attached to the system in order to change a set of games. Under the current draft, this disable feature would be required even for changes in a set of games on a single machine. Because this requirement could necessitate the interruption of bingo game play to numerous games, we believe that it is

unreasonable. Instead, this requirement should apply only to the machines that are actually being changed.

- Section 2.4.1(2), Changes to Games and Sets of Games. This section reads as follows: “An automatic audit trail of all changes in the sets of games offered to players must be maintained. The audit trail must include the identity of the person making the changes, the time and date of the change, and the changes.” This section would require the identity of the person making changes to the client stations/bingo terminals to be known. While it is possible for the bingo system to know the identity of the person making changes, this information is not supplied to the client stations/bingo terminal. This requirement should therefore be deleted.
- Section 2.4.1(3)(a), Changes to Games and Sets of Games. As written, this section assumes that pay tables are stored in the system, however, not all games are produced in this manner. The requirements contained within this provision are far too rigid for an evolving industry. Instead, the current draft should be flexible and allow for different types of products in the class II market.
- Section 2.4.1(4), Changes to Games and Sets of Games. This section requires that an “automatic audit trail of all changes to pay tables be maintained. The audit trail must include the identity of the person making the changes, the time and date of the change, and the changes. At a minimum this means logging of the following transaction types: addition of new pay tables; deletion of pay tables; swapping to an existing pay table.” This section incorrectly assumes that all changes are made within the bingo system. This is not necessarily the case. In many cases, this is a manual process and the information is not available at either the bingo system or the bingo terminal. This requirement should therefore be eliminated.
- Section 2.4.2(2)(b), Adding and Removing Games. This section allows for the removal or addition of games to the system, provided that at the time of removal or addition, there are no active players on any of the terminals linked to the system. Due to the advanced design in system products, system functionality may allow for the removal or addition of games with no impact to the system or bingo terminals when a game is removed. As such, this section should either be deleted or revised to authorize the removal or addition of games without interruption to all games on the system link.
- Section 2.6(1), Communications Protocol Requirements. This section is the first of many sections that require communications to be “encrypted;” in particular, it provides that communications that traverse public areas must be encrypted and authenticated. Please note that encryption is not the

standard used by gaming jurisdictions throughout the United States, and many forms of communication operate in a secure manner without the need for encryption. This section should be revised to read as follows: "Communications that traverse public areas (including wireless communications) must be secure."

- Section 2.7, Failure/Recovery Scenarios. This section contains requirements that must be met with regard to terminal, server, and power failure. Clarification should be provided as to whether dual UPS protection will be sufficient to satisfy this section, thus eliminating the potential for total power failures as identified under section 2.7(3).
- Section 2.10(3), Downloadable Software/Games. This section uses the term "trading day" as a delineation for a timeframe for game play. Given that this is not a term typically used in the gaming industry, its meaning should be clarified. In the alternative, the NIGC may want to consider using the term "business day" as that term is commonly used in various industries throughout the United States.
- Section 2.10(6), Downloadable Software/Games. This section requires that all meters be cleared after a successful download. This requirement seems to conflict with other requirements within the proposed technical standards, such as section 4.2.1.2. Furthermore, a master terminal meter set should remain intact at all times. In addition, this section improperly imposes a requirement that, since the introduction of multi-denomination games, is no longer applicable. As such, this section should be revised to allow the retention of these types of meters.
- Section 2.10(9), Downloadable Software/Games. Paragraph 9 of this section requires that the previously loaded program version remain intact in the terminal's memory in the event it might need to be reused at a later time. Since the terminal has the capability of downloading new programs, this requirement is not necessary. Additionally, storing a previous program version in the terminal's memory would only serve to add additional costs both to the manufacturer and the operator. As such, this requirement should be deleted.
- Section 3.3.2(11), Door Access Detection Devices. This section is unclear and should be clarified.
- Section 3.11, Electromechanical Meters. This section sets the requirements for hard meters on the bingo terminals. Many jurisdictions throughout the United States have eliminated the requirement of mechanical meters as this technology is old and unreliable. Furthermore, more reliable technology, such as electronic meters, has been developed. All references to hard meters should be eliminated from the current draft.

- Section 3.13.5, Printers. This section requires that products be equipped with printers. Paragraph 2 of this section requires that a printer be able to simultaneously generate two identical copies of any printout with one copy to be ejected from the terminal and the other to be retained within the machine for audit purposes. Please note that the thermal printers that are commonly used in the gaming industry throughout the United States do not support two-ply printing. New printer technology would be necessary in order to facilitate this type of requirement. Furthermore, this requirement is unnecessary as an audit trail is created and maintained by the system; there is no need for the duplication of tickets.
- Section 3.13.6, Audible Alarm. As indicated under Section 2.2 above, there are several sections that contain requirements relating to “auditable” alarms. Auditable alarms are not utilized in the North American gaming market. Instead, a combination of light tower flashing and the reporting of events to a system are standard technology. As such, the sections referencing auditable alarms should be modified to reflect the technology currently utilized throughout the industry.
- Section 4.1.3(1)b, c, d, e, Detection of Corrupted Memory. These subsections require that the entire contents of critical memory be verified before or after a number of different transactions occur. While verifying an individual critical data element prior to its usage is acceptable, verification of all critical data prior to the usage of just one element is unnecessary. This sub-section should be modified to require verification of only the individual critical data element being accessed prior to usage.
- Section 4.2.1, Meters To Be Supported. The term “Progressive Occurrence Count” should be clarified. No such meter is used in the North American gaming market, and therefore it is unclear as to what is intended with regard to this type of meter.
- Section 4.2.5, Self Audit Error Checking. This section contains requirements on self-audit checks that would be required of all class II products. This type of requirement is overly burdensome and will hinder technological advancements in the class II market. As such, this section should be deleted.
- Section 4.5.1.4(a), Coin Acceptance Conditions. The section as worded requires the software to ensure that the coins are directed to the “hopper or the cash box when the hopper is full.” Diverting coins to the hopper in this state would only exacerbate the problem of a full hopper. As such, this section should be reworded to state that coins must be diverted to “the cash box when the hopper is full.”

- Section 4.5.2.2(h and d), Bill Acceptance. These sub-sections appear to contain the same types of requirements as those contained in 4.5.1.4 above relating to coin acceptors. As such, these subsections should also be revised to state that bills must be diverted to the cash box when the hopper is full.
- Section 4.5.4(6), Voucher (Ticket) In. This section requires that the voucher system notify the bingo terminal of the reason for a rejection of a voucher. This section should be reworded as follows: "If the voucher is invalid, the voucher system will notify the class II player terminal that the voucher is invalid."
- Section 4.5.5.1(1), Cashless In/Out. Please refer to the comments for Section 2.6 (1) above relating to communication protocol and encryption requirements. As indicated, encryption is not the standard used by gaming jurisdictions in the United States, and many forms of communication operate in a secure manner without the need for encryption. This language should be revised to more generally provide for secure methods with regard to the communication of information.
- Section 4.6.2.2(2), Cancel Credit. This section states that an option must be provided to allow a patron to exit a Cancel Credit state. Typically, the process of handling a Cancel Credit pay requires several steps and, for security and accounting purposes, operators generally do not prefer to allow a patron to cancel the process once it is initiated. This section should be reworded to state: "An option to exit the Cancel Credit state *may* be provided." This will allow flexibility from an operational standpoint.
- Section 4.6.3.6, Hopper Pay. This section requires the bingo terminal to support a hopper fill pay. This type of technology is unreliable and only forces the operator to perform tedious and unnecessary labor. This section should be removed.
- Section 4.6.4.1(2)a, Ticket Voucher Printing, General. Refer to the comments above for Section 3.13.5 regarding the requirement that ticket printers dispense two identical copies of each ticket printed.
- Section 4.6.6, Residual Credit Removal. This section prohibits Residual Credit Removal, which is defined in the regulation as "a means of conducting a gaming transaction to convert the fractional amount to either the coin value or nothing." It is unclear as to why the NIGC would want to prohibit this type of functionality. As such, clarification should be provided.
- Section 4.7.3(1), Game Screen Meters. This section states that certain meters "must be simultaneously displayed in credits and in dollars and

cents in a format which is clearly visible to the player and easily distinguished.” There is no reasonable basis for this requirement. In fact, it would be impossible to meet both criteria contained in this section, and furthermore, simultaneous dual displays of the same information might be confusing to the patron in that the patron may believe they are owed both amounts. This section should be reworded to state: “Meters concerning player entitlements (including Credit, Bet and Win meters) displayed on the game-screen must be displayed in a format which is clearly visible to the player and easily distinguished.”

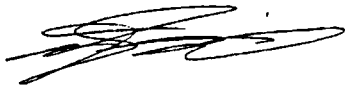
- Section 4.7.6.1, Idle Mode Display. This section requires that certain prior game information be available until the next game play. In bingo, the player is allowed to change their card before play commences. Once the card has been changed, it is critical that all prior game information is cleared from the game display to avoid disputes. As such, this wording should be changed to state “view until the next play or until a player’s card is changed.”
- Section 4.7.6.1, Display Requirements with Non-zero Credit Meter. Paragraph 4 of this subsection states that the total number of credits that would be wagered on the next play should be displayed. It is unclear as to how this information would be available prior to the play of a game.
- Section 4.7.6.2, Display Requirements Following Hopper Collect. This section specifically defines how hopper payout information should be displayed. These requirements are tedious and cumbersome and fail to provide any value to the operator or the player. Instead, this section should contain a general note as to what information should be displayed. This will allow operators and manufacturers the flexibility to display information in a fashion that is most compatible with their game operation.
- Section 4.7.6.3, Display Requirements Following Cancel Credit. The requirements contained within this section are burdensome and provide no value to the operator or the player. As such this section should be eliminated and replaced with a general note as to what information needs to be displayed. This will allow manufacturers the flexibility to display information in a fashion that is most compatible with their game operation.
- Section 4.14, Multiple Games. This section indicates that the possibility of multiple games per one device has not yet been addressed. This section should authorize multi-games as there is nothing specific to the game of bingo that would prohibit them.
- Section 4.15.2.2(1), Progressive Jackpots, Communication With Progressive System. Both the meaning and intent of this section is unclear. As such, it should be clarified.

- Section 4.15.2.3, Progressive Jackpots, Modification of Progressive Jackpot Parameters. Both the meaning and intent of this section is unclear. Please clarify.
- Section 4.16.2(2)b, Actions Upon Events. Please see the comments for Section 2.2.2 above as these apply to this section, as well.
- Section 4.16.3(3), Actions on Clearance of a Fault Event. Please see the comments for Section 2.2.2 above as these apply to this section, as well.
- Section 4.16.4, Faults to be Treated As Events. The sub-section for printer paper low requires the game to lock up to avoid running out of paper. Bingo Terminals currently being operated are able to continue play after paper has run out. This practice has no negative impact and should be permitted to continue. As such, this section should be modified accordingly.
- Section 4.16.6.2(4), Bill Acceptor Faults. Please see the comments for Section 2.2.2 above as these apply to this section, as well.
- Section 4.16.7, Non-Fault Class II Player Device Events. This section seems to imply that stand alone progressive awards are allowed. The intent and purpose of this section is unclear as it appears to conflict with language in previous sections. As such, the meaning of this section should be clarified.
- Section 4.16.8(3), Notification of Faults. This sub-section requires that class II electronically-aided games become “user friendly” in situations requiring human interaction. Please note that game manufacturers should provide operation manuals that would provide guidance and assistance for training purpose and it is believed that such manuals are sufficient in instances requiring human interaction.
- Section 6.6, Encryption and Hashing. Please see the comments for Section 2.6(1) above as these apply to this section, as well.
- Section 7.1, Artwork, General. Paragraph 20 of this section provides that “artwork graphics shall not be in any manner or form indecent or offensive.” While the purpose behind this rule is understandable, such regulations are subjective in nature and it is unclear as to what types of standards will be applied. As such, this rule should be removed from the technical standards.
- Section 7.2(9)a, Artwork, Bingo. Please see the comments for Section 4.7.6.1 above.

- Section 9.1.2(2)a, Systems to be Interfaced. While we appreciate that SAS 6.01 is pointed out as a suitable protocol for class II gaming, one should note that SAS is not encrypted. We point this out in furtherance of our other points set forth above which indicate how unnecessary encryption is for class II gaming.
- Section 9.3.5(1)c, Fault Conditions. Please see the comments for Section 2.2.2 above.
- Section 9.5.3(2), Mathematics. It is unclear as to what a mathematical treatise incorporates. While the provision of par sheets for a test lab to review is acceptable, most will be unwilling to divulge the exact details as to how bingo patterns are developed. This information is confidential, and considered to be a trade secret. As such, this requirement should be deleted from the current draft.

Again, I thank you for the opportunity to provide these comments. As the NIGC moves forward in this endeavor, we hope that the input of Indian country is permitted a more prominent role.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Miranda', with a stylized flourish at the end.

Anthony Miranda
Chairman